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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,732	11/29/2000	Peter Joseph Giacomini	500-001US	9621
22897	7590	01/19/2006		
DEMONT & BREYER, LLC SUITE 250 100 COMMONS WAY HOLMDEL, NJ 07733			EXAMINER VU, THONG H	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/725,732

Applicant(s)

GIACOMINI ET AL.

Examiner

Thong H. Vu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-22 are pending.
2. Applicant required to update the copending information, paragraph [0001,0064].

Response to Arguments

3. Applicant's arguments filed 11/07/05 with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 15 is rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility such as a computer implementing, a processor, computer readable medium, etc.

Claim Rejections - 35 USC § 112

5. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention (i.e.: "a processor for retrieving a second resource ...". It was unclear, vague and ambiguity). Examiner suggest the applicant revises/cleans the claim languages wherein the first processor without a second processor that does not make any sense. The consistent of independent claims could merit in the application process.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. § 102(b) as anticipated by Carpentier et al [Carpentier, 6,807,632 B1].

6. As per claim 1, Carpentier discloses a method comprising:

hashing at a first processor [Carpentier, an originating/local computer, col 17 lines 15-64] a first resource identifier (i.e.: descriptor file) to create a hash key, wherein said first resource identifier identifies a first resource [Carpentier, created a hash identifier, col 8 lines 32-65];

transmitting from said first processor to a second processor [Carpentier, file server, FTP server, col 15 lines 10-32] said hash key and a request for said first resource [Carpentier, col 8 lines 57-65];

receiving at said first processor a second resource in response to the transmission of said hash key and said request for said first resource [Carpentier, transfer in response with hash asset identifier, col 13 line 58-col 14 line 7].

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7. As per claims 2,9 Carpentier discloses receiving at said first processor a second resource identifier in response to the transmission of said hash key and said request for said first resource [Carpentier, transfer in response with hash asset identifier, col 13 line 58-col 14 line 7].

8. As per claims 3,10 Carpentier discloses said first processor verifies that said second resource is said first resource by comparing said second resource identifier to said first resource identifier [Carpentier, verifier, col 15 lines 10-32].

9. As per claims 4,11 Carpentier discloses transmitting from said first processor to said second processor said first resource identifier in addition to said hash key and said request for said first resource [Carpentier, col 8 lines 57-65].

10. As per claims 5,12 Carpentier discloses said second processor stores said second resource and said second resource identifier in a data structure that is indexed by said hash key [Carpentier, directory, col 11 lines 10-27].

11. As per claims 6,13 Carpentier discloses said second processor verifies that said second resource is said first resource by comparing said second resource identifier to said first resource identifier [Carpentier, verified by comparison, col 8 lines 12-32].

12. As per claims 7,14 Carpentier discloses said hash key and said request for said first resource are transmitted from said first processor to said second processor when said all (or a portion) of said hash key is contained in a list of valid hash keys associated with said first processor [Carpentier, hash list identifier, col 10 lines 33-51].

13. As per claim 8, Carpentier discloses An apparatus comprising:

a first processor for hashing a first resource identifier to create a hash key, wherein said first resource identifier identifies a first resource [Carpentier, created a hash identifier, col 8 lines 32-65];

a transmitter for transmitting said hash key and a request for said first resource to a second processor [Carpentier, file server, FTP server, col 15 lines 10-32; transmitted by software, col 8 lines 57-65]; and

a receiver for receiving a second resource in response to the transmission of said hash key and said request for said first resource [Carpentier, transfer in response with hash asset identifier, col 13 line 58-col 14 line 7].

14. As per claim 15, Carpentier discloses A method comprising:

receiving a request for a first resource and a hash key that is a hashed function of a first resource identifier [Carpentier, created a hash identifier, col 8 lines 32-65];

retrieving said first resource and said first resource identifier from a data structure that is indexed by said hash key [Carpentier, file server, FTP server; directory, col 11 lines 10-27; col 15 lines 10-32; transmitted by software, col 8 lines 57-65]; and

transmitting said first resource and said first resource identifier in response to said request for said first resource [Carpentier, transfer in response with hash asset identifier, col 13 line 58-col 14 line 7].

15. As per claim 16, Carpentier discloses An apparatus comprising:

a receiver for receiving a request for a first resource and a hash key that is a hashed function of a first resource identifier [Carpentier, created a hash identifier, col 8 lines 32-65];

a processor for retrieving said first resource and said first resource identifier from a data structure that is indexed by said hash key [Carpentier, file server, FTP server; directory, col 11 lines 10-27; col 15 lines 10-32; transmitted by software, col 8 lines 57-65]; and

a transmitter for transmitting said first resource and said first resource identifier in response to said request for said first resource [Carpentier, transfer in response with hash asset identifier, col 13 line 58-col 14 line 7].

16. As per claim 17, Carpentier discloses A method comprising:

receiving **from** a first processor a first resource identifier that identifies a first resource, a hash key that is a hashed function of said first resource identifier, and a request for a first resource [Carpentier, created a hash identifier, col 8 lines 32-65];

retrieving a second resource and a second resource identifier from a data structure that is indexed by said hash key [Carpentier, a second plurality of assets, col 20 lines 20-67];

verifying that said second resource is said first resource by comparing said second resource identifier to said first resource identifier [Carpentier, verified by comparison, col 8 lines 12-25]; and

transmitting said second resource to said first processor when said second resource is verified as said first resource [Carpentier, transfer in response with hash asset identifier, col 13 line 58-col 14 line 7].

17. As per claim 18, Carpentier discloses An apparatus comprising:

a receiver for receiving at a first processor a first resource identifier that identifies a first resource, a hash key that is a hashed function of said first resource identifier, and a request for a first resource [Carpentier, created a hash identifier, col 8 lines 32-65];

a **second** processor for retrieving a second resource and a second resource identifier from a data structure that is indexed by said hash key, and for verifying that said second resource is said first resource by comparing said second resource identifier to said first resource identifier [Carpentier, file server, FTP server; directory, col 11 lines 10-27; col 15 lines 10-32; transmitted by software, col 8 lines 57-65;verified by comparison, col 8 lines 12-25]; and

a transmitter for transmitting said second resource to said first processor when said second resource is verified as said first resource [Carpentier, transfer in response

with hash asset identifier, col 13 line 58-col 14 line 7].

18. As per claim 19, Carpentier discloses A method comprising:

hashing at a first processor a first resource identifier to create a hash key,
wherein said first resource identifier identifies a first resource [Carpentier, created a
hash identifier, col 8 lines 32-65];

transmitting from said first processor to a second processor said hash key and a
request for said first resource when said all (or a portion) of said hash key is contained
in a list of valid hash keys associated with said first processor [Carpentier, hash list
identifier, col 10 lines 33-51]; and

receiving at said first processor said first resource in response to the
transmission of said hash key and said request for said first resource [Carpentier,
transfer in response with hash asset identifier, col 13 line 58-col 14 line 7];

19. As per claim 20, Carpentier discloses An apparatus comprising:

a **first** processor for hashing a first resource identifier to create a hash key,
wherein said first resource identifier identifies a first resource, and for verifying that all
(or a portion) of said hash key is contained in a list of valid hash keys [Carpentier,
created a hash identifier, col 8 lines 32-65; hash list identifier, col 10 lines 33-51];

a transmitter for transmitting from said first processor to a second processor said
hash key and a request for said first resource [Carpentier, file server, FTP server;

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directory, col 11 lines 10-27; col 15 lines 10-32; transmitted by software, col 8 lines 57-65]; and

a receiver for receiving said first resource in response to the transmission of said hash key and said request for said first resource [Carpentier, transfer in response with hash asset identifier, col 13 line 58-col 14 line 7];

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-22 are rejected under 35 U.S.C. 103(a) as obvious over Carpentier [6,807,632 B1] in view of Takahashi et al [Takahashi, 5,428,774].

20. As per claim 21, Carpentier discloses A method comprising:

receiving **from** a first processor a request for a first resource and a first hash key that is a hashed function of a first resource identifier [Carpentier, created a hash identifier, col 8 lines 32-65];

transmitting said second resource to said first processor when said second resource is verified as said first resource [Carpentier, hash list identifier, col 10 lines 33-51; verifier, col 15 lines 10-31];

However Carpentier does not detail the

retrieving a second resource and a first portion of a second hash key from a data structure that is indexed by a first portion of said first hash key;

verifying that said second resource is said first resource by comparing a second portion of said first hash key to said first portion of said second hash key; and

Takahashi discloses the hash function applied the attribute values to be compared wherein the index file is verified by comparing the second half of I1 to the first half of I2 and first half of I1 with the latter half of I2 [Takahashi,col 2 line 49-col 3 line 28]

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the comparing process using the first and second portion of frame or key as taught by Takahashi into the Carpentier' apparatus in order to utilize the comparing process. Doing so would provide the efficiency and reliable process to allocate the retrieval key values [Takahashi, col 4 lines 15-40].

21. As per claim 22, Carpentier-Takahashi disclose An apparatus comprising:

a receiver for receiving at a first processor a request for a first resource and a first hash key that is a hashed function of a first resource identifier [Carpentier, created a hash identifier, col 8 lines 32-65];

a processor for retrieving a second resource and a first portion of a second hash key from a data structure that is indexed by a first portion of said first hash key [Takahashi,col 2 line 49-col 3 line 28], and for verifying that said second resource is said first resource by comparing a second portion of said first hash key to said first portion of said second hash key [Takahashi,col 2 line 49-col 3 line 28]; and

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a transmitter for transmitting said second resource to said first processor when said second resource is verified as said first resource [Carpentier, hash list identifier, col 10 lines 33-51; verifier, col 15 lines 10-31].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thong Vu
Primary Examiner
Art Unit 2142

A handwritten signature in black ink, appearing to read 'Thong Vu', with a horizontal line underneath.